

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
APPENDIX**



75-1123

B  
P/S

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

-----X

UNITED STATES OF AMERICA,

Appellee,

-vs.-

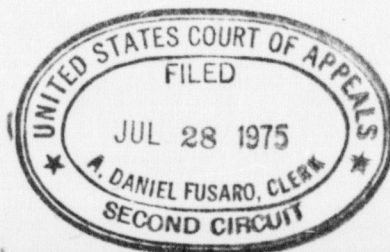
FRANCISCO GUINART,

Appellant.

-----X

APPELLANT'S APPENDIX

MC GUIRE & LAWLER, ESQS.  
Attorneys for Appellant  
Office & P. O. Address  
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New York, New York 10020  
212-765-6990



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PAGINATION AS IN ORIGINAL COPY

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## CRIMINAL DOCKET

ONLY COPY AVAILABLE

**CLOSED**

UNITED STATES

## ATTORNEYS

For ~~YOUNG~~ GUINART-Moral

Joseph C. Hallinan, Jr.

10 E. 46th St. N.Y.C.

ELITELIER-EUZETA- Legal Al

Society 26- Court St. B'k

For M. Villaseca

For Defendant: Ivan S. Fisher

401 Broadway

N.Y., N.Y. 10013

925-5937

\* GINO FANTUZZI a/k/a Luis Jorge  
Vasquez Urbina,

\* SERGIO LUIS JARAMILLO, a/k/a Luchro

\* CARMEN LOPEZ a/k/a Catherine Bell

\* CLAUDINE LIEROS

\* PEDRO ROJAS a/k/a Jesus Francisco  
Duinard-Moral, (see in)

\* MANUEL VILLASECA, a/k/a [unclear]

\* JAMES CHRISTIAN a/k/a Bruno [unclear]

Did conspire to import narcotics into USA, etc.

FC  
By

3/35 B'way NYC AD-4-0

## ABSTRACT OF COSTS

## AMOUNT

## DATE

## CASH

## N. FOR

Deft. JAMES CHRISTIAN

By: Edmund A. Rosner, Esq.

401 B'way, NYC

Tel. 925-3344

Fine,

Clerk,

Marshal,

Attorney,

Commissioner's Court,

Witnesses,

## DATE

## PROCEEDINGS

6-23-70 Before Abruzzo, J. - Indictment filed. Bench Warrants Ordered.

Deft. FANTUZZI not present -

Marked Off. Deft. JARAMILLA present with counsel - Deft JARAMILLA  
arraigned and enters a plea of not guilty. Bail of \$75,000 continued.  
Deft LOPEZ present with counsel - Deft arraigned and enters a plea of  
not guilty. Bail of \$2,500 continued. Deft LIEROS not present - counse  
not present - Bench Warrants outstanding as to all defts. Defts.  
ROJAS, VILLASECA & CHRISTIAN not present.

7-30-70 Bench Warrants Issued for defts. LIEROS, ROJAS, VILLASECA AND  
JAMES CHRISTIAN.

9-16-70 Notice of Appearance filed for defts. JARAMILLO, FANTUZZI &amp; CARMEN LOPEZ

9-29-70 Before JUDD, J. - Case called - Deft FANTUZZI present with counsel  
Defts. JARAMILLO & CARMEN LOPEZ not present - Govt report & other def

DATE	PROCEEDINGS
	remain at large and their whereabouts are unknown. Case as to deft. CARME LOPEZ to be heard as to claimed conflict of interest by atty and for obtaining new counsel - Case as to defts. FANTUZZI, JARAMILLO & LOPEZ adjd to Oct. 5, 1970 at 12:30 PM. <span style="float: right;">LOPEZ &amp; FANTUZZI</span>
10-5-70	Before JUDD, J. - Case called - Defts JARAMILLO/ & counsel Howard J. Diller present. Mr. Ameranti official court interpreter present. Pre-Trial Conference adjd to Oct. 9, 1970 at 2:30 PM.
10-7-70	Notice of Motion filed, ret. Oct. 9, 1970, for a severance, Inspection, Bill of Particulars, etc.
10-13-70	Notice of Appearance filed. (deft. LOPEZ)
10-13-70	Before JUDD, J. - Case called for Pre Trial Conference. Defts. JARAMILLO FANTUZZI & LOPEZ present with counsels - Interpreter Madeline Ponedra present. Pre Trial Conference held and concluded. Case set for Trial on Nov. 16, 1970 at 10:00 am.
10-13-70	1 Bench Warrant returned and filed. Executed as to deft. CHRISTIAN.
10-13-70	Notice of Appearance filed as to deft. CHRISTIAN.
10-9--70	Before JUDD, J. - Case called - Defts FANTUZZI & JARAMILLO present with counsels - Motions argued - motion as to severance is denied. Motion for Bill of Particulars and Discovery denied in part and granted in part. Oral application for reduction of bail as to each deft which has been fixed at \$75,000 granted - as to each deft reduced to \$50,000 Parties to submit answering affidavits on or before Oct. 16, 1970.
10-13-70	Before Judd, J. - Case called - Deft. CHRISTIAN appeared in court in response to outstanding Bench Warrant - Deft arraigned and enters a plea of not guilty as charged - Notice of Appearance to be filed - As t Govt requests \$25,000. Bail is to be set of which \$10,000 is to be secured by surety bond and the balance by execution of personal recognizance bond - All motions by Oct. 30, 1970. Trial tentatively set for Nov. 16, 1970 at 10:00 am.
10-20-70	Govts. Memorandum of Law filed.
10-26-70	By JUDD, J. - Order filed on defts. motions for severance, discovery, and Bill of Particulars, etc. Motion for severance is denied (Fantuzzi & Jaramillo) Motion for discovery is granted and denied as indicated; Motion for Bill of Particulars granted and denied as indicated; the Govt shall furnish all information called for by this Order and not already supplied by Nov. 2, 1970. Defts shall give a list of names and addresses of any alibi witnesses to the Govt not later than 11-12-70
11-4-70	Govts. Bill of Particulars filed.

## CRIMINAL DOCKET

DATE	PROCEEDINGS
11/16/70	Before Judd, J. - Case Called-Defts. (FANTUZZI, LOPEZ & JARAMELLO) Present w/o counsel-Case adj'd. to 11/18/70 for Pre-trial conference.
11/16/70	Before Judd, J. - Case Called-Defts. present w/o counsel- Case adj'd. to 11/18/70 for Trial.
11/18/70	Before Judd, J.-Case Called-Defts. (FANTUZZI, LOPEZ, JARAMELLO & CHRISTIAN) Present with Counsel-Pre-trial conference held & concluded
11/18/70	Before Judd, J.-Case Called-Defts. (FANTUZZI, LOPEZ, JARAMELLO & CHRISTIAN) & Counsel Present-M. Santangelo relieved as counsel for CHRISTIAN-Hearing on Deft's (LOPEZ) request for change of counsel set down for 11/25/70-Case adj'd. to 1/4/71 for Trial Mrs. Gladys Baez present throughout proceedings acting as Spanish interpreter for the Defts. & on their behalf.
11-25-70	Before Judd J - Case called - Deft CARMEN LOPEZ and counsel not present- Deft must appear on Dec. 3, 1970 at 10:00 A.M. with counsel or Bench Warrant will issue.
12-3-70	Before Judd, J. - Case called - Deft CARMEN LOPEZ & counsel Harold Foner <del>present</del> not present. Case adjd to Dec. 4, 1970. if deft does not appear a Bench Warrant will issue.
12-3-70	Bench Warrant Issued. (deft. CARMEN LOPEZ)
12/4/70	Before Judd, J.-Case Called-No appearances by Deft. LOPEZ & Counsel.
12/21/70	Before Judd, J.-Case Called-Deft. LOPEZ produced in Court on a Bench Warrant-Deft's counsel not present- Deft. on \$2500.00 bail- Govt. renews motion to increase bail to \$25,000.00-Bail set at \$25,000.00 cash or surety bond.
12-22-70	Petition for Writ of Habeas Corpus Ad Prosequendum filed.(LIEROS)
12-22-70	By Judd, J. - Writ Issued, ret. forthwith (deft. Lieros)
12-22-70	By JUDD, J. - Order appointing counsel filed for deft. CARMEN LOPEZ.
12-23-70	Before Judd, J. Case called for hearing on appointment of counsel. Deft. LOPEZ and counsel Richard Rosenkranz present. Deft. oral motion to restore bail to \$2500.00, denied. Court sets bail at \$10,000.00 surety bond which is part of the \$25,000.00 personal recognizance bond requirements set by the court. Hearing concluded.
12/23/70	Bench Warrant returned & Filed/executed. (CARMEN LOPEZ)
12/31/70	Before Judd, J. Case called. Deft. CARMEN LIEROS produced in court on Writ of Habeas Corpus Ad Prosequendum. Deft. LIEROS present with Counsel Marshal Kaplan, Esq. by request of the court. Court interpreter Enil Rodriguez present and sworn. Deft. Arraigned only for the purpose of fixing bail. Bail fixed in the amount of \$100,000.00 dollars.

70-CR-408

DATE

PROCEEDINGS

con't Court directs the issuance of a Bench Warrant in the matter of the Deft. LIEROS to appear in Court's jurisdiction of the Deft. Deft LIEROS DECLINES THE OFFER OF THE COURT FOR COURT APPOINTED COUNSEL. Deft. to contact her counsel in Florida and to report as to this matter on the Adjourned date of January 4, 1971, 10:00 A.M. Deft. in custody.

1-5-71 Before Judd, J. Case called for trial. Gov't. ready for trial. Defts JARAMILLO, CHRISTIAN, FANTUZZI, LOPEZ present with their counsels. Deft. Lieros present without counsel. Hearing continued as to Deft. LIEROS efforts to obtain counsel. Deft. unable to contact her Atty who's office is in Florida, through Court Interpreter Emil Rodriguez who was present and sworn. Hearing as to Deft. LIEROS adj'd to Jan. 6, 1971 at 2 PM Deft. Christian oral motion for motion to suppress, etc., joined by Defts JARAMILLO, FANTUZZI, and LOPEZ. Motion argued and denied, without prejudice to renew on behalf of DEFT. LIEROS, when counsel appears on her behalf. All Defts. make motions to have court set down a date to have an evidentiary hearing on motions to suppress, etc. Motion denied. Oral motion by Deft. LOPEZ for reduction of bail, denied. Case set down for trial on Jan. 14, 1971 at 10:00 A.M.

1-5-71 Writ returned and filed. Executed (deft. LIEROS)

1-6-71 Before Judd, J - Case called - Defendant CLAUDINE LIEROS & counsel E. Torres present - Interpreter Kurt Obenbreit sworn. Deft LIEROS arraigned and on her own behalf, through the interpreter, enters a plea of not guilty - Bail continued - Set down for Trial Jan. 14, 1971.

-6-71 Notice of Appearance filed. (deft. CLAUDINE LIEROS)

-14-71 Waiver of Trial by Jury filed.

-14-71 Before JUDD, J - Case called - Defts present with counsels - All parties consent to a Non-Jury Trial - Order signed - Trial ordered and BEGUN. Trial to be continued to Jan. 18, 1971.

-14-71 Notice of Appearance filed (deft. JARAMILLO)

1-14-71 Notice of Appearance filed (deft. FANTUZZI)

-18-71 Before Judd, J. - Case called - Defts present with counsels - Trial continued - Trial continued to Jan. 19, 1971.

-19-71 Before Judd, J - Case called - Defts & counsels present. Trial continued. Trial continued to Jan. 20, 1971 at 10:30 am.

20-71 Before Judd, J - Case called - Defts present with counsels - Trial resumed - Marshal as Court Interpreter present - Trial continued to Jan. 21, 1971 at 10:30 am.

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DATE	PROCEEDINGS
1/21/71	Before Judd, J. - Trial resumed - Defts oral motion to exclude all evidence of telephone wire-taps on the grounds that the taps are constitutionally impermissible - Decision reserved - Deft oral motion to suppress statement made by Deft CHRISTIAN to Agent Duggan Motion granted - Trial continued to 1/22/71 at 11:00 a.m.
1-22-71	Before Judd, J - Case called - Defts present with counsels - Trial continued - Govt rests, subject to right to reopen, without prejudice - Atty for deft. FANTUZZI moves to dismiss, etc. and Judgment of Acquittal and is joined by counsel for defts. JARAMILLO, LOPEZ, LIEROS & CHRISTIAN - Govt argues in opposition - Trial continued to Jan. 25, 1971 at 11:00 am.
1-25-71	By Judd, J - Order filed that the Court Reporter transcribe the court proceedings, file the original thereof with the Clerk of the Court, and furnish one copy to counsel assigned to represent deft. Carmen Lopez on the trial and further ordered that payment shall be divided equally between the US Atty and the US Courts and the Director of Admin. Office of the U.S. shall pay half the cost of the transcript (copy to Court Reporters)
1-25-71	Govts. Voir Dire Questions filed.
1-25-71	2 Govt. Memorandum of Law filed.
1-25-71	6 Stenographers transcripts filed. (pages 1 to 1003)
1-25-71	Stenographers transcript dated Jan. 14, 1971 filed. (suppression)
1-25-71	Before JUDD, J - Case called - Defts present with counsels - Trial resumed - Manuel Ras sworn as court interpreter - Atty Rosner moves to reargue motions to find deft CHRISTIAN not guilty and for Judgment of Acquittal, etc. joined by all attys. for their defts - All motions for dismissal are denied - all defts rest - court makes findings that all defts are guilty as charged . Govt asks that deft CHRISTIAN'S bail be cancelled and that he be remanded - Govt application is denied - Deft CHRISTIAN'S bail is increased to \$40,000 - sentences adjd without date - Trial concluded. Bail continued as to defts. FANTUZZI, JARAMILLO, LOPEZ & LIEROS.
1-27-71	Before Judd, J - Case called - Deft Christian & counsel present. Govt moves on oral application to revoke bail as to deft CHRISTIAN - Defts attorney in opposition - Govts affidavit ordered sealed and placed in vault and marked Court Record - Defts bail is revoked - deft remanded - Govts application granted as indicated.



## CRIMINAL DOCKET

DATE	PROCEEDINGS
	in West Virginia. Deft advised of her rights to appeal by the Court. Court grants application to proceed in forma pauperis. Court to prepare order. Clerk to enter a file notice of appeal without fees. And stenographers transcripts of trial and sentencing is to be furnished to deft at govt's expense for appeal purposes.
4-16-71	Judgment and Commitment filed. Certified copies to Marshal as to deft Lopez/
4-16-71	Before JUDD, J- Case called as to deft Claudine Lleros- deft and counsel present. Counsel for deft is authorized to act as Court interpreter by the Court. Deft is sentenced to a term of imprisonment for a period of 20 years to run concurrently with sentence imposed in Florida and in addition deft is to pay a fine of \$5000.00. Deft advised of her right to appeal by the court.
4-16-71	Judgment and Commitment filed as to deft Lleros. Certified copies to Marshal.
4-16-71	Before JUDD, J- Case called as to deft Jaramillo- Deft and counsel present. Deft sentenced to a term of imprisonment for a period of 15 years. Credit is to be given for time deft has spent in custody. Deft advised of his rights to appeal.
4-16-71	Judgment and Commitment filed. Certified copies to Marshal as to deft Jaramillo.
4-20-71	Voucher for Compensation and expenses of appointed counsel filed as to deft Carmen Lopez.
4/19/71	Writ returned & filed/executed (LIEROS)
4-22-71	Notice of Appeal filed as to deft Christian.
4-22-71	Certified copies of docket entries and notice of appeal mailed to Court of Appeals.
4-21-71	By JUDD, J- Order filed that the court stenographer supply the deft Fantuzzi or his assigned counsel on appeal, with a transcript of the trial and sentencing proceedings of the above entitled action and that the <del>same</del> cost of said transcript be borne by the U.S. (Court reporters notified)
4-22-71	Notice of Appeal filed (Lieros)
4-22-71	Docket entries and duplicate of Notice of Appeal mailed to C of A (def't Claudine Lieros)
4-28-71	Notice of Motion filed for leave to appeal in forma pauperis (def't Carmen Lopez)
4-30-71	By JUDD, J- Motion for leave to appeal in forma pauperis as to def't Lopez.

DATE

PROCEEDINGS

marked off.

-3-71 Notice of Appeal filed for deft. JARAMILLO

-3-71 ~~xxxxxxx~~ ~~Appeal~~ filed Docket Entries and duplicate copy of Notice of Appeal mailed to the C of A (Jaramillo.)

5-4-71 Certified copy of Judgment & Commitment returned and filed. Deft. LOPEZ del. to Muncy, Penna.

5-4-71 Certified copy of Judgment & Commitment returned and filed. Deft. LIEROS del. to F.R.Women, Alderson, W.Va.

5-6-71 By Judd, J. - Order filed that the time for ~~file~~ filing a notice of appeal is extended for 15 days pursuant to FR. App. P 4(b) and that the Clerk file a notice of appeal for gino FANTUZZI, with permission to appeal in forma pauperis,

5-6-71 Notice of Appeal filed without fee (Fantuzzi)

5-6-71 Docket Entries and duplicate of Notice of Appeal mailed to the C of A. (Gino Fantuzzi)

5-6-71 Notice of Appeal filed without fee (CARMEN LOPEZ)

5-6-71 Docket Entries and duplicate of Notice of Appeal mailed to the C of A.

5-6-71 By JUDD, J - Ordered that the time for filing a notice of appeal is extended for 15 days and that the Clerk of Court file a Notice of Appeal for deft Carmen Lopez with permission to appeal in forma pauperis.

-28-71 Letter of 5-24-71 from deft Fantuzzi received from Chambers of Judd, J. filed (motion for reduction of sentence)

6-7-71 Five Stenographer's Transcripts Filed-One dated 1-14-71; the rest dtd. 4-16-71 as to deft. Fantuzzi, Deft. Lieros, Deft. Lopez and Deft. Christian respect

6-7-71 Stenographer's Transcript filed dtd. 4-16-71 pgs 1-6 as to deft. Jaramillo.

6-7-71 By Judd, J. - Memorandum and Order filed denying defts motion for a reduction of sentence imposed. (copies mailed as indicated on Memo) (deft GINO FANTUZZI)

-18-71 Record on Appeal certified and handed to Barbara McLean of the office of Edmund Rosner, 401 Broadway, N.Y.C. for delivery to the Court of Appeals (deft. Christian)

-21-71 Acknowledgment received from C of A for Index to Record (Christian)

-30-71 Deft Jaramillo letter filed for reduction of sentence.

-30-71 By JUDD, J.- Memorandum and Order filed-denyng motion for reduction of sentence.

-20-71 Stenographers transcript dated April 2, 1971 filed, 19 pages. Deft Christian)

## CRIMINAL DOCKET

DATE	PROCEEDINGS
8-1-72	Certified copy of Opinion and Judgment received from the Court of Appeals filed - judgments are affirmed as to defts Gino Fantuzzi, Sergio Louis Jaramillo, Carmen Lopez, Claudine Lieros but as to deft James Christian said judgment is reversed. (JN & USA)
8-17-72	Petition for Writ of Habeas Corpus Ad Prosequendum filed (CHRISTIAN)
8-17-72	By BARTELS J - Writ Issued, ret. 8-18-72)
8-25-72	Before BARTELS, J. - Case called. Deft JAMES CHRISTIAN & counsel Nancy Rosner present. Motion by the deft for a judgment of acquittal. Motion granted as to James Christian. Discharge of the deft is stayed until arrangements can be made to deliver him to State authorities.
8-30-72	Writ returned & filed/executed.
9-21-72	Letter from GINO FANTUZZI & translation of letter filed for a reduction of sentence.
9-21-72	By JUDD, J. - Memorandum and order filed denying motion for a reduction of sentence for GINO FANTUZZI.
10-12-72	2 letters from defts. FANTUZZI & JARAMILLO filed (received from Chambers & considered as writ of certiorari, etc.)
10-12-72	By JUDD, J - Memorandum filed stating that any writ of certiorari would be issued from the Supreme Court to the Court of Appeals to the Second Circuit. Therefore requests for the designation of an attorney to take further steps should be directed to the U.S. Court of Appeals, New York. (copy of Memo forwarded to defts) Letters inserted in Criminal File.
11-15-72	Copy received from C of A & filed denying petition for writ of certiorari for CARMEN LOPEZ.
10-24-73	By JUDD, J - Bench Warrant Ordered and Issued as to deft MANUEL VILLASECA (true name OSCAR LETELIER)
11-5-73	Affidavit of Thomas Puccio. Affidavit of John Morgan. Grand Jury minutes of 6/2/70 and 6/18/70 filed
11-14-73	Affidavit of John Morgan filed
11-16-73	By JUDD, J. - Bench Warrant ordered- Issued (Rojas)
11-19-73	By JUDD, J. - Bail fixed at \$250,000 for deft. Rojas and bench warrant order issued-filed
<del>11-3-73</del>	<del>XX</del>
11-19-73	Affidavit of THOMAS P. PUCCIO filed.
12-5-73	Before JUDD, J - Case called - defts produced on Bench Warrants - Manuel Ros sworn as interpreter - both defts present without atty- Govt request <sup>one</sup> million/bail <sup>total</sup> as to each deft - bail set at \$15,000

# ONLY COPY AVAILABLE

DATE	PROCEEDINGS
	as to debt MORAL & \$250,000 as to debt BUZETA - adjd to Dec. 6, 1973 at 1:00 PM for assignment of counsel.
12-6-73	Before JUDD, J. - Case called - Defts present without counsel - Libya Clancy sworn as interpreter - Court directs entry of plea of not guilty on behalf of both defts - L.A.S. assigned to represent debt Letelier-Buze Joseph Halliman assigned to represent Debt Guinart-Moral - Case adjd to 12-13-73 at 2:00 P.M. for pre-trial conference
2-10-73	By JUDD, J. - Orders appointing counsel filed (LETELIER-BUZETA AND GUINART-Moral)
12-13-73	Before JUDD, J - case called - defts & counsels present - Libya Clancy sworn as interpreter - Pre Trial conference held and concluded - defts arraigned and enter pleas of not guilty - adjd to 3-4-73 for trial
2/24/73	Notice of Appearance filed. (V. VILLASECA)
1/2/74	Petition for Relief of Oppress Imprisoned Testificandum Filed. (J. HIN-GARZA 2)
1/2/74	By JUDD, J. - Motion for relief of oppress imprisoned Testificandum granted
1-4-74	Notice of Appearance filed (Manuel Villaseca)
1-5-74	Letter dated Jan. 30, 1974 filed from debt Oscar Letelier (forwarded to Judge Judd)
2-7-74	Notice of Motion filed, ret. 2-8-74, for appointing another attorney pursuant to the Criminal Justice Act, etc. (OSCAR LETELIER)
2-8-74	Before JUDD, J. - Case called - Debt present - Joanna Seybert of L.A.S. present Ivan Fisher not present - Debt Letelier's motion to have Legal Aid reliever denied - Ivan Fisher's motion to be relieved is granted with reprimand (LETELIER)
2-8-74	By JUDD, J. - Motion for spanish speaking attorney denied (see order on bottom of letter from debt Letelier filed 2-5-74)
2-8-74	By JUDD, J. - Motion to be relieved as counsel granted with reprimand to Ivan Fisher, esq. for filing a notice of appearance, <del>exxy</del> without being prepared to complete the representation of the debt (LETELIER)
2-26-74	Before JUDD, J. - Case called - Defts and counsel present - Interpreter Manuel Ras sworn - Case adjd to 4-8-74 for trial (GUINART-MORAL AND LETELIER-BUZE)
4-8-74	Before JUDD, J. - Case called - Debt and counsel present - See 74 CR 253 for disposition of debt Letelier-Buzeta - Case as to debt Guinart adjd to 4-22-74 at 10:00 A.M. for trial or disposition
4-22-74	Before JUDD, J - case called & adjd to 4-26-74 at 2:00 PM (GUINART) for trial or disposition.
4-25-74	Record on appeal received from Supreme Court - Acknowledgment mailed to Supreme Court for filing of record

PROCEEDINGS

11-15-74	Before Judd, J - Deft LETELIER (truename) aka Manuel Villaseca & counsel M. Seitzer of Legal Aid present. On motion of AUSA Fried the Indictment is dismissed.
11-15-74	By JUDD, J - Order of dismissal filed(LETELIER)
1/31/75	Consent to Transfer for Plea and Sentence R-20 filed (GUINART a/
1/31/75	Consent to Transfer for plea and sentence(R 20), docket entries J.S.3 card mailed to Southern District of N.Y.)
4/17/75	Sanographe Transcript dated 1/4/71 filed
6-4-75	By JUDD, J - Memorandum filed re defts MILAGROS CLAUDINA LEIROS, EDWARD FERRADA aka Gino Fantuzzi and LUIS URETA MORALES aka Sergio Jaramilla granting motion for reduction of sentence imposed on 4-16-71 to reflect that each deft may become eligible for parole pursuant to 18, U.S.C. Sec 4208(a)(1) from and after June 1, 1975.
6-4-75	Amended Judgment & Commitments filed for the above mentioned defts - certified copies to Marshal.
6/6/75	Certified copies of above orders ret'd and filed- copies sent to F.R.W. at Alderson W.Va as to deft Leiros and to U.S. P. at Atlanta Ga. as to remaining 2 defts

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

JUL 98

75 CRIM 98

D. C. Form No. 100 Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U.S.: AUSA
vs.	Bancroft Littlefield Jr. 791-0069
FRANCISCO GUINART a/k/a Pedro Rojas	
	For Defendant:

(07) STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DIS.
J.S. 2 mailed	Clerk				
J.S. 3 mailed	Marshal				
Violation <input checked="" type="checkbox"/>	Docket fee				
Title 21					
Sec. 173 & 174					
Consp. to import drugs.					
(One Count)					

DATE	PROCEEDINGS
1-30-75	Filed indictment and consent to transfer for plea and sentence pursuant to Rule 20, received from the Eastern District of N.Y. Case assigned to Gagliardi, J. as related to 74-cr-1066 & 73-cr-1092
02-28-75	Filed Stipulation re: guilty plea & right to appeal.
02-28-75	Filed JUDGMENT (atty. present) deft. is committed to the custody of the Atty. Gen'l. for imprisonment for a period of FIVE (5) YEARS to run concurrently with sentence imposed on indictment 74 Cr. 1066 this date. Gagliardi, J. issued all copies.
03-07-75	Filed deft.'s notice of appeal from judgment docketed 02-28-75. mailed notices.
03-12-75	Filed commitment & entered return, deft. delivered to Fed. House of Det. N.Y.C. on 02-28-75.
03-26-75	Filed notice that the record on appeal has been certified and transmitted to the U.S.C.A.

D. C. Form No. 100  
CRIMINAL DOCKET

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**JUDGE GAGLIARDI**

**73 CRIM 109465**

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
VS.	Walter M. Phillips, AUSA
JUAN CARLOS CANONICO	264-6345
VLADIMER BANDERA, a/k/a Jorge Nazar	
EMILIO QUINTEROS	
FRANCISCO GUINART, a/k/a El Chato	
SALIM VALENZUELA, a/k/a El Turco	For Defendant:
TITO RAMOS	

ABSTRACT OF COSTS (07)	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
File, (6 Closed Acc)					
Clerk, 3, 5, 1, 2, 4					
Marshal,					
Attorney,					
UNDERKNEER T. 21					
EX 173,174,846,963					
conspiracy to violate					
U.S. Federal Narcotic Laws.					
(One Count)					

DATE	PROCEEDINGS
4-73	Filed indictment. (Referred to Judge Gagliardi as superseding 72 Cr 129 73 Cr 160)
4-73	Bench Warrants ordered as to all defts. Bansal, J. Bench Warrants issued.
1-20-74	E. Quinteros (atty present) pleads not guilty. Deft cont'd on present bail \$300,000. cash or surety. Gagliardi, J.
1-20-74	F. Guinart (atty present) pleads not guilty. Deft waives his right to a speedy trial. Deft cont'd on present bail \$300,000, cash or surety. Gagliardi, J.
1-20-74	V. BANDERA - filed CJA form 20 appointment of Mario Landsman, Esq., 66 Court Bklyn, NYC 11201. Gagliardi, J. mailed copies.

DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
0-74	V. BANDERA-filed JCA form 21 authorization for appointment & authorization for payment of fees of expert: Maria Elena Cardenas, Interpreter. mailed copies. Gagliardi, J.		
30-74	Vladimer Bandera (atty present) Deft produced on a writ. Deft pleads not guilty. Deft waives his right to a speedy trial. Deft. cont'd on present bail \$300,000. cash or surety. Writ adj'd sine die. Gagliardi		
31-74	Juan Carlos Canonico(atty present) Deft pleads not guilty. Deft waives his rights to a speedy trial. Deft cont'd on present bail \$300,000. cash or surety. Gagliardi, J.		
1-74	Filed papers orig. filed with Mag. Raby: Juan Canonico, Vladimer Bandera, Emilio Quenteros, Francisco Guinart- docket entry sheet indictment warrant, S.D.N.Y. appointments of counsel notices of appearance.		
5-74	F. Guinart- filed CJA form 20 approval for payment of atty. mailed copies. Gagliardi, J.		
7/22/74	Selim Valenzuela(atty. David Keegan and interpreter E. Landreth present) Deft. pleads not guilty, waives right to speedy trial, cont.'d on \$100,000. bail. Gagliardi, J.		
7/24/74	Filed ORDER that the prisoner Selim Valenzuela, be transported to and from the U.S.D.C. for the S.D.N.Y. and the Orange County Jail each day by any one of the Special Agents of the Drug Enforcement Adm. etc. for the period from 6/3/74 to 6/13/74. Levett, J. (3 certified copies delivered to U.S. Marshals)		
6/26/74	Filed (E. Quenteros) CJA 20 approval for payment of fees atty. Morris. Gagliardi, J. mailed copies by CJA clerk.		
6/26/74	E. Quenteros-filed CJA 21 authorization for payment of fees of Mrs. Culakia Greenberg, Interpreter. Gagliardi, J. on		
Jul. 24-74	Selin Valenzuela-CJA 23 Financial affidavit in support of request for atty. or other court services without payment of fees.		
6/3/74	Selim Valenzuela - bench warrant issued.		

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Of Judgment
10/2/74	Francisco Guinart- filed notice of petition for writ of habeas corpus	
10/9/74	Filed Govt.'s affdvt. of Charles W. Cecil, Jr. Special Agent	
10/21/74	Filed Govt.'s affdvt. of Patrick J. Shea re: oppositon to motion of Selin Valenzuela to terminate proceedings. (74 Cr. 1098)	
10/21/74	Filed Govt.'s affdvt. of Bancroft Littlefield re: oppositon to motion of Selin Valenzuela to terminate proceedings. (74Cr.1098)	
10/21/74	Filed affdvt. of Selin Valenzuela re: support of motion to terminate all criminal proceedings, etc.	
10-23-74	S. valenzuela--Filed papers origionally, filed with Magistrate Raby: (1)Docket Entry Sheet (2)Indictment Warrant, S.D.N.Y. (3)Disposition sheet	
11/12/74	Emilio Quintero- transfered to Eastern District of New York, pursuant to Rule 20.	
11/14/74	Selim Valenzuela(atty. present) Deft. withdraws plea-not guilty and now pleads - Guilty. P.S.I. ordered for sent. 12/18/74 at 9:30. Deft. remanded. Gagliardi, J.	
11/21/74	Filed acknowledgment of receipt of papers (Emilio Quintero) from Eastern Dist. of N.Y.	
12/3/74	Filed n... .. 10/8/74.	
1/7/75	Canonico- Filed appointment of Maria Elena Cardenas, Interpreter and authorization for payment of same, under CJA 21. Gagliardi, J. mailed copies by the CJA Clerk.	
1/17/75	TITO RAMOS- Closed statistically because deft. is fugitive. Inaail other respects the case is still pending.	
1/14/75	S. Valenzuela- filed stipulation re: guilty pfea of deft. & right to appeal.	
12-28-75	SELIM VALENZUELA-(atty. present) Filed JUDGMENT- deft. is hereby committed to the custody of the Atty. Gen'l. for imprisonment for a period of EIGHT (8) YEARS. Pursuant to the provisions of Section 841, of Title 21, U.S. Code, deft. is placed on Special Parole for a period of SIX (6) YEARS, to commence upon expiration of confinement. Gagliardi, J. issued all copies.	

-cont'd. on next page-

DATE	PROCEEDINGS	Date Ord Judgment
03-05-75	JUAN CARLOS CANONICO, VLADIMER BANDERA, FRANCISCO GUINART- Entered and filed nolle prosequi. Gagliardi, J.	
03-12-75	S. Valezuela- filed remand dated 11-14-75.	
03-07-75	Filed deft. V. Bandera CJA 20 approval for payment of fees of atty. Mark Landsman. mailed copies CJA Clerk Gagliardi, J.	
04-17-75	Filed deft. Selin Valenzuela's notice of appeal (amended) from judgment of 2-28-75. Mailed notices.	
05-20-75	Filed Stip. & Order withdrawing appeal of Selin Valenzuela, etc. James L. Oakes U.S.C.J.	
6-25-75	Filed transcript of record of proceedings dated 2-28-75.	

**JUDGE GAGLIARDI**

**74 CRIM. 1066**

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
es.	Bancroft Littlefield, AUSA.
FRANCISCO GUINART	791-0069
	For Defendant:

ABSTRACT OF COSTS	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
Fine,					
Clerk,					
Marshal,					
Attorney, ✓					
Commissioner's Court,					
Witnesses,					
21:173,174,846&963					
Consp. to import, sell and distr.					
Cocaine & Heroin, I&II.			( One Count)		

DATE	PROCEEDINGS
11-13-74	Filed information and waiver of indictment. Deft.(atty. present) thru interpreter Richard Schoen pleads guilty to information. Pre-sentence investigation ordered. Sentence adjourned to 12-18-74 at 9:30 a.m. Deft. remanded. Gagliardi, J. Case related to 73Cr 1094 and 73 Cr 1098)
11/14/74	Filed Stipulation - that deft. Francisco Guinart agrees to plead guilty to superseding information to be filed, etc.
02-28-75	Filed JUDGMENT (atty. present) deft. is committed to the custody of the Atty. Gen'l. for imprisonment for a period of FIVE (5) YEARS to run concurrently with sentence imposed on indictment 75 Cr 1073 this date. Gagliardi 17-A



4000  
P. 10, 11

ONLY COPY AVAILABLE

700R 400

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

500 88 1970

UNITED STATES OF AMERICA

-against-

INDICTMENT

GINO FANTUZZI a/k/a Luis Jorge Vazquez  
Urbina,  
SERGIO LUIS JARAMILLO, a/k/a Lucero,  
CARMEN LOPEZ a/k/a Catherine Doliz,  
CLAUDINE LEMOS,  
PEDRO ROJAS a/k/a Jesus Francisco  
Duinard-Loral,  
MANUEL VILLALBA,  
JAMES CHRISTIAN a/k/a Bruno,

70 CR X-8

Defendants

THE GRAND JURY CHARGES:

GRAND JURY

1. On or about the 1st day of January 1970 and continually thereafter up to and including the date of the filing of this indictment, in the Eastern District of New York and elsewhere, the defendants GINO FANTUZZI a/k/a Luis Jorge Vazquez Urbina, SERGIO LUIS JARAMILLO, a/k/a Lucero, CARMEN LOPEZ a/k/a Catherine Doliz, CLAUDINE LEMOS, PEDRO ROJAS a/k/a Jesus Francisco Duinard-Loral, MANUEL VILLALBA, JAMES CHRISTIAN a/k/a Bruno and others to the Grand Jury presently unknown, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 173 and 174 of Title 21, United States Code.

2. It was further part of the said conspiracy that the said defendants unlawfully, wilfully and knowingly would import and bring narcotic drugs, to wit: cocaine hydrochloride into the United States contrary to law and would receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a quantity of narcotic drugs, to wit, cocaine hydrochloride after the said narcotic drugs had been imported and brought into

the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Sections 173, 174 of Title 21, United States Code.

3. In furtherance of the said conspiracy and to effect the objects thereof, the defendants committed the following overt acts:

#### OVERT ACTS

1. On or about May 24, 1970, within the Eastern District of New York, the defendant SERGIO LUIS JARAMILLO boarded an airplane enroute to Dallas, Texas.
2. On or about May 24, 1970 the defendant CARMEN LOPEZ had a conversation with the defendant GINO FANTUZZI.
3. On or about May 25, 1970 the defendant SERGIO JARAMILLO met the defendant PEDRO ROJAS in Dallas, Texas.
4. On or about May 26, 1970 the defendants SERGIO LUIS JARAMILLO and PEDRO ROJAS met with RENEAL VILLASECA in Dallas, Texas.

5. On or about June 6, 1970 the defendant CLAUDINE  
MINOR spoke with the defendant SHERRO LEO JUANILLO.

(Title 21, United States Code, Sections 173, 174)

A TRUE BILL

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FORWARDED

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UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

JUAN CARLOS CANONICO,  
VLADIMER BANDERA, a/k/a Jorge Nazar,  
EMILIO QUENTEROS,  
FRANCISCO GUINART, a/k/a El Chato,  
SELIM VALENZUELA, a/k/a El Turco and  
TITO RAMOS,

INDICTMENT

S 73 Cr. 1094

Defendants.  
-----X

The Grand Jury charges:

1. From on or about the 1st day of December, 1963, and continuously thereafter up to and including the filing of this Indictment, in the Southern District of New York, JUAN CARLOS CANONICO, VLADIMER BANDERA, a/k/a Jorge Nazar, EMILIO QUINTEROS, FRANCISCO GUINART, a/k/a El Chato, SELIM VALENZUELA, a/k/a El Turco and TITO RAMOS, the defendants and others to the Grand Jury known and unknown, unlawfully, wilfully, intentionally, and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 173, 174, 812, 841(a)(1), 841(b)(1)(A), 842(b), 952(a), 960(a)(1) and 960(b)(1) of Title 21, United States Code,

2. It was part of said conspiracy that the said defendants unlawfully, wilfully and knowingly would receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a quantity of narcotic drugs, the exact amount and nature thereof being to the Grand Jury unknown, after the said narcotic drugs had been imported and brought into the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Sections 173 and 174 of Title 21, United States Code,

3. It was further a part of said conspiracy that the said defendants unlawfully, wilfully and knowingly would fraudulently import and bring narcotic drugs into the United States contrary to law in violation of Sections 173 and 174 of Title, 21, United States Code,

4. It was further, part of said conspiracy that the said defendants unlawfully, wilfully and knowingly would distribute and possess with intent to distribute Schedule I and II narcotic drug controlled substances, the exact amount thereof being to the Grand Jury unknown, in violation of Section 814, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

5. It was further a part of said conspiracy that the said defendants would unlawfully, wilfully and knowingly import into the customs territory of the United States

from a plane outside thereof and import into the United States from a place outside thereof Schedule I and II narcotic drug controlled substances in violation of Sections 952(a), 960(a)(1) and 960(b)(1) of Title 21, United States Code.

#### OVERT ACTS

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. In or about December, 1965, defendant TITO RAMOS transported six kilograms of cocaine from Santiago, Chile, to Tacna, Peru.
2. In or about March, 1968, defendant JUAN CARLOS CANONICO transported thirty kilograms of cocaine from Santiago, Chile, to Quito, Ecuador.
3. In or about February, 1971, defendant EMILIO QUINTEROS sold ten kilograms of cocaine.
4. In or about June, 1971, defendant SELIM VALENZUELA went to Bogota, Colombia.
5. On or about May 5, 1972, defendant JUAN CARLOS CANONICO transported eight kilograms of cocaine from Miami, Florida, to New York, New York.
6. In or about September, 1972, defendant FRANCISCO GUINART, a/k/a El Chato, manufactured twenty kilo-

grams of cocaine.

(Title 21, United States Code, Sections 173, 174, 846 and 963.)

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FOREMAN

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PAUL J. CURRAN  
United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

:

INFORMATION

-v-

74 Cr. 1066

FRANCISCO GUINART,

:

Defendant.

-----X

The United States Attorney charges:

1. From on or about the 1st day of December, 1963, and continuously thereafter up to and including the filing of this information, in the Southern District of New York, FRANCISCO GUINART, and others to the United States Attorney known and unknown, unlawfully, wilfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 173, 174, 812, 841(a)(1) 841(b)(1)(A), 842(b), 952(a), 960(a)(1) and 960(b)(1) of Title 2 United States Code.

2. It was part of said conspiracy that the said defendant unlawfully, wilfully and knowingly would receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a quantity of narcotic drugs, the exact amount and nature thereof being to the United States Attorney unknown,

after the said narcotic drugs had been imported and brought into the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Sections 173 and 174 of Title 21, United States Code.

3. It was further a part of said conspiracy that the said defendant unlawfully, wilfully and knowingly would fraudulently import and bring narcotic drugs into the United States contrary to law in violation of Sections 173 and 174 of Title 21, United States Code.

4. It was further a part of said conspiracy that the said defendant unlawfully, wilfully and knowingly would distribute and possess with intent to distribute Schedule I and II narcotic drug controlled substances, the exact amount thereof being to the United States Attorney unknown, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.,

5. It was further a part of said conspiracy that the said defendant would unlawfully, wilfully and knowingly import into the customs territory of the United States from a place outside thereof and import into the United States from a place outside thereof Schedule I and II narcotic drug controlled substances in violation of Sections 952(a), 960(a)(1) and 960(b)(1) of Title 21, United States Code.

### OVERT ACTS

In pursuance of its said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. In or about 1968 and 1969 defendant FRANCISCO GUINART together with Julio Rojas Miller and Adelardo Riquelme purchased 28 kilograms of cocaine in Chile and organized the transportation of the said cocaine to New York and the sale of the said cocaine in New York.

2. In or about 1969, defendant FRANCISCO GUINART transported 18 kilograms of cocaine in wine jugs from Chile to New York, and sold the said 18 kilogram of cocaine in New York.

3. In or about December, 1969 defendant FRANCISCO GUINART sold 7 1/2 kilograms to John Doe Alberto in New York.

4. In or about September 1971 defendant FRANCISCO GUINART purchased 43 kilograms of cocaine in Chile from Raul Munoz and Filiberto Olmedo and sold the said cocaine.

5. In or about November, 1971, defendant FRANCISCO GUINART purchased 40 kilograms of cocaine in Chile from Raul Munoz, Filiberto Olmedo and Mario Diaz and sold the cocaine.

6. In or about January, 1972, defendant FRANCISCO GUINART purchased 33 kilograms of cocaine from Raul Munoz in Santiago, Chile, and sold the cocaine.

7. In or about March, 1972, defendant FRANCISCO GUINART purchased 20 kilograms of cocaine from Filiberto Olme and sold the cocaine to Jacobo Chain.

(Title 21, United States Code, Sections 173, 174  
346 and 953.)

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PAUL J. CURRAN  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

-v- :

STIPULATION

FRANCISCO GUINART, :

756-98

Defendant. :

WHEREAS, Indictment No. Cr. 408 was filed in the Eastern District of New York against the defendant Francisco Guinart on June 23, 1970 charging him and other defendants with violations of the Federal Narcotics Laws; WHEREAS the defendant Francisco Guinart has agreed to plead guilty to the said indictment on a Rule 20 in the Southern District of New York; WHEREAS the said indictment will be transferred to the Southern District of New York for pleading; WHEREAS the defendant Francisco Guinart moved on October 2, 1974 before the District Court for the Southern District of New York for an order divesting the Court of jurisdiction over the person of the defendant on grounds among others that he was illegally brought from Chile to the United States and that his transfer to the United States was in violation of principles set forth in United States v. Toscanino, 500 F.2d 267 (2d Cir. 1974) and said motion was denied by this Court after oral argument on October 3, 1974; WHEREAS the defendant Francisco Guinart desires to plead guilty to the said Eastern District indictment on a Rule 20 in the Southern District of New York while

preserving his right to appeal the District Court's denial of his motion based on jurisdiction; and WHEREAS the Government has agreed to the procedure wherein the defendant Francisco Guinart pleads guilty on condition that the jurisdictional issue be preserved for appeal;

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America for the Southern District of New York, Bancroft Littlefield, Jr., Assistant United States Attorney of Counsel, and the defendant Francisco Guinart by his counsel, Andrew M. Lawler, Jr., Esq., as follows:

(1) The defendant Francisco Guinart agrees to plead guilty in the Southern District of New York to the said indictment (Eastern District of New York, 70 Cr. 408) on the express condition that the jurisdictional issue raised by him on his motion of October 2, 1974, which motion was denied by the District Court for the Southern District of New York on October 8, 1974, be preserved for appeal to the higher Courts.

(2) The Government expressly agrees that the guilty plea be entered by the defendant Francisco Guinart on the condition that the denial of his above described motion of October 2, 1974 be preserved for appeal.

(3) The Government further agrees that if the decision of the District Court denying the said motion is reversed on appeal the defendant may withdraw his guilty plea entered to the above described indictment.

BL,Jr:rs

(4) It is further agreed between the defendant Francisco Guinart and the Government that this stipulation shall be presented to the Honorable Lee P. Gagliardi, United States District Judge for the Southern District of New York, for his acceptance prior to the taking of the above described guilty plea.

Dated: New York, New York

~~January 29~~, 1975

February 28,

PAUL J. CUEGAN  
United States Attorney for the  
Southern District of New York  
Attorney for the United States  
of America

By:

BANCROFT LITTLEFIELD, JR.  
Assistant United States Attorney

FRANCISCO GUINART  
Defendant

ANDREW M. LAWLER, JR.  
Attorney for the Defendant  
Guinart

1, Jr.:art

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

FRANCISCO GUINART,

Defendant.

:

:

:

:

STIPULATION

74CF1066

-----X  
WHEREAS, Indictments 73 Cr. 1094 and 1098 were filed in the Southern District of New York against the defendant Francisco Guinart on December 6, 1973, charging him and other defendants with violations of the Federal Narcotics laws; WHEREAS the defendant Francisco Guinart moved on October 2, 1974 before the District Court for the Southern District of New York for an order divesting the Court of jurisdiction over the person of the defendant on grounds among others that he was illegally brought from Chile to the United States and that his transfer to the United States was in violation of principles set forth in United States v. Toscanino, 500 F.2d 267 (2d Cir. 1974) and said motion was denied by this Court after oral argument on October 8, 1974; WHEREAS the defendant Francisco Guinart desires to plead guilty to the conspiracy charge outstanding against him in the Southern District of New York while preserving his right to appeal the District Court's denial of his motion based on jurisdiction; and WHEREAS the Govern-

ment has agreed to the procedure where in the defendant Francisco Guinart pleads guilty on condition that the jurisdictional issue be preserved for appeal;

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America for the Southern District of New York, Bancroft Littlefield, Jr., Assistant United States Attorney of Counsel, and the defendant Francisco Guinart by his counsel, Andrew M. Lawler, Jr., Esq. as follows:

(1) The defendant Francisco Guinart consents to the filing of a superseding information charging him in one count with conspiracy to violate the Federal Narcotics Laws, Sections 173, 174, 812, 841(a)(1), 841(b)(1)(A), 846, 952(a), 960(a)(1) and 960(b)(1) of Title 21, United States Code.

(2) The defendant Francisco Guinart agrees to plead guilty to the said information on the express condition that the jurisdictional issue raised by him on his motion of October 2, 1974 which motion <sup>was</sup> denied by the District Court on October 8, 1974, be preserved for appeal to the higher Courts.

(3) The Government expressly agrees that the guilty plea be entered by the defendant Francisco Guinart on the condition that the denial of his above described motion of October 2, 1974 be preserved for appeal.

(4) The Government further agrees that if the decision of the District Court denying the said motion is

,art

reversed on appeal the defendant may withdraw his guilty plea entered to the above described information.

(5) It is further agreed between the defendant Francisco Guinart and the Government that this stipulation shall be presented to the Honorable Lee P. Saggiardi, United States District Judge for the Southern District of New York for his acceptance prior to the taking of the above described guilty plea.

Dated: New York, New York

November 13, 1974

PAUL J. CURRAN  
United States Attorney for the  
Southern District of New York  
Attorney for the United States  
of America

By: S/ Bancroft Littlefield, Jr.  
BANCROFT LITTLEFIELD, Jr.  
Assistant United States Attorney

S/ Francisco Guinart  
FRANCISCO GUINART  
Defendant

S/ Andrew M. Lawler Jr.  
ANDREW M. LAWLER, Jr.  
Attorney for the defendant Guinart

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

73 Cr 1094

-against-

FRANCISCO GUINART

NOTICE OF PETITION FOR  
WRIT OF HABEAS CORPUS

Defendant.  
-----X

S I R :

PLEASE TAKE NOTICE that upon the annexed  
Petition of FRANCISCO GUINART duly acknowledged the day of  
October, 1974, the undersigned will move this Court at a Term  
for Motions to be held at the United States District Courthouse  
for the Southern District of New York at Foley Square, New York  
New York, on a date and at a time convenient to the Court in the  
forenoon of that day or as soon thereafter as counsel can be  
heard for a Writ of Habeas Corpus returning Petitioner to his  
"status quo ante" and for an Order of this Court divesting it-  
self of jurisdiction over the person of the Petitioner, and for  
such other and further relief as to this Court may seem just and  
proper under these circumstances.

DATED: New York, New York  
October 27, 1974

Yours, etc.,

MC GUIRE & LAWLER, ESQS.

BY: \_\_\_\_\_

A Member of the Firm  
Attorneys for Petitioner  
Office & P. O. Address  
630 Fifth Avenue  
New York, New York 10020  
212-755-6990

TO:

Office of the United States Attorney  
Southern District of New York  
United States Courthouse  
Foley Square  
New York, New York 10007  
36-A

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

-against-

FRANCISCO GUINART,

Defendant.  
-----X

73 Cr

PETITION FOR A WRIT  
OF HABEAS CORPUS

14  
Petitioner, FRANCISCO GUINART, pursuant to Title 28, United States Code, 2241, 2242; et seq., and the Constitution of the United States, respectfully alleges and states:

1. I, FRANCISCO GUINART, am presently under Indictment in the United States District Court for the Southern District of New York and the United States District Court for the Eastern District of New York, for alleged violations of the Federal Narcotics Laws and am presently incarcerated and in the custody of the Warden of the Federal House of Detention, West Street, New York, New York, in lieu of bail on both of the above mentioned Indictments.

2. I was brought into this Country contrary to law, by force and against my will, with the complicity and under the direction of Federal Agents of the United States Government, as is set forth more fully in the following paragraphs.

3. On about October 28, 1973, ~~while at home~~, I was arrested by several Chilean officers and one officer whom I believed to be American. I was informed that I was being charged with various violations of law relating to drugs.

4. I was forcefully taken to a police station in Concon, which is a community in Vin a Del Mar - a small town in Chile. At Concon, I was handcuffed and beaten with fists and the back of machine guns. I did not receive any medical or hospital treatment while at Concon.

5. From Concon I was taken to Santiago, the Capital of Chile, where I was put in a detention cell at a police station. In Santiago I was again beaten and tortured by the use of electric shock treatment applied to my body. These beatings were administered by agents of the Chilean Government.

6. My attorney in Santiago then obtained a Writ of Habeas Corpus to the Chilean Supreme Court. I was brought from the detention cell at a police station to the Supreme Court for a hearing. Thereafter I was placed in the Santiago prison. I was placed in solitary confinement for five days and the little food which I was given was very bad and I could not eat it. At this time there was a story in all of the papers that the American Government had at first sought my extradition but then had withdrawn their request for extradition (Copies of those newspaper articles can be obtained by my relatives in Chile if the Court wishes to see them.)

7. Soon thereafter your Petitioner, along with other prisoners was taken to a concentration camp. No explanation was given to us as to where we were going or why we were being moved. On the way to the camp <sup>I WAS</sup> ~~all of the prisoners were~~ made to wear hoods <sup>I</sup> so that we could not tell the location of the camp.

8. We remained in that camp for about one full day and thereafter at midnight we were awakened and immediately taken to Pudahuel Airport in Santiago, Chile. We were told that anyone attempting to escape or to disobey orders would be shot. At the airport in Chile there were two American officers who appeared to be in charge and these two officers eventually introduced themselves to us on the plane. There were nine prisoners put aboard the plane, seven Chileans; one Argentinian and one female Brazilian. It was December 4, 1973 when we began the flight from Chile on Lan Chilean Airlines. According to a story in the Chilean newspapers, the plane was chartered and paid for by the American Government. (Again, this article can be obtained.)

9. On the plane, in addition to the two American officers, there were nine Chilean officers. The Americans gave the orders on the plane and one of them spoke to us in Spanish. The flight took about twelve hours and when we landed at Kennedy Airport there were many Federal Agents waiting for us. One Federal Agent was assigned to each prisoner and after that I never saw the Chilean officers again.

10. Your Petitioner along with the other prisoners was photographed and fingerprinted at the airport and then later we were taken to see an Assistant United States Attorney in Brooklyn whose name I believe was Mr. Fried.

11. Your Petitioner has been informed that I was not extradicted pursuant to Treaty, but that your Petitioner was allegedly expelled from Chile by order of that Government.

Even if this is true I was entitled to freely choose the country to which I would be sent. However, I was never given a choice of countries as is required by Chilean law and I never chose the United States of America as the country of my destination.


12. Your Petitioner believes that my abduction was conducted in violation of the Fourth and Fifth Amendments of the Constitution of the United States, the United Nations Charter and Treaties of the United States, as recently set forth by the United States Court of Appeals for the Second Circuit in U.S. v. Toscanino (Docket No. 73-2732 decided May 15, 1974).

13. Your Petitioner has made no previous application to this Court for the Writ of Habeas Corpus on these or on any other grounds.

WHEREFORE, Petitioner prays for a Writ of Habeas Corpus returning Petitioner to his "status quo ante", and for an Order of the Court divesting itself of jurisdiction over the person of the defendant, and for such other and further relief as to the Court may seem just and proper under these circumstances.

DATED:

New York, New York  
October 2, 1974

  
FRANCISCO GUINART

STATE OF NEW YORK     )  
                              ) SS.:  
COUNTY OF NEW YORK    )

FRANCISCO GUINART, being duly sworn, deposes and says: That deponent is the Petitioner in the within application and has read the foregoing Petition; that he knows the contents thereof and that the same are true and correct to the best of his knowledge; and that with regard to the matters therein stated to be upon information and belief, that he believes them to be true.

FRANCISCO GUINART

Sworn to before me this  
*2nd* day of October, 1974.

---

GLOPIA CALABRESE  
Notary Public, State of New York  
No. 24-635340  
Qualified in Kings County  
Commission Expires March 30, 1975

ONLY COPY AVAILABLE

Ministry  
of  
Exterior Relations  
Chile

General Administrative Address  
Dept. of Translations

Authentic Translation  
No. I-179/73

Note of extradition from the United States Embassy en  
Santiago de Chile  

---

No. 394

The Embassy of the United States of America presents its greetings to the Ministry of Exterior Relations of the Republic of Chile, and has the honor of soliciting the provisional arrest of, Rodolfo Torres, MARIO SILVA LEIVA, (also known as Marió Carrera), LILIANA AMALIA TORRES MORENO, NICODEMUS OLATE ROMERO, RAFAEL MURILLO, FRANCISCO GUINART, LUIS SERAFIN TORRES (also known as Coco Torres), ANAIR PUCCI BERTOCCO, YOLANDA SARMIENTO DIAZ Y VLADIMIR BANDERA, in accordance with the procedures stipulated in Article IV of the Extradition Agreement between Chile and the United States, subscribed in Santiago the 17th of April, 1900, with ratifications exchanged in Washington on May 27, 1902, along with its Complementary Protocol, and also based on Articles 844, and following the Code of Penal Procedure; Article 8 of the Law 17155 and Article 24 of the Law 17.934 of the Republic of Chile, with the intention of detaining them,

I CERTIFY that the present photocopy corresponds to the original which appears on FS.4 of the Acts Docket 2/73 of the Supreme Court, under the preventive detention warrant of Luis Serafin Torres Moreno and others, made by the U.S. Embassy. Santiago, December 24, 1973.

Rene Pica Urrutia  
Secretary of the Supreme Court of Justice  
Chile

00521

It is affirmed that he was in the United States in connection with the committing of that crime. It is believed that he is in Valparaiso.

RAFAEL URILIO was born in Chile, March 3, 1924. He was placed under process the 1st of October, 1973, with a detention warrant ordered the 1st of October, 1973 by Judge Anthony Travia of United States Jurisdiction for the Eastern District of New York. The process under No. 750.R. 879, charges him with the importation and distribution of heroin to the United States between January 1, 1968 and December 31, 1972, in violation of Title 21 of the United States Code in Titles 173 and 174. It is affirmed that he was in the United States in connection with the committing of said crime. It is believed that he is in Santiago.

#### EXTRADITION PETITION

FRANCISCO GUINART was born in Chile July 8, 1924. He was processed June 23, 1970 with a detention mandate ordered by Judge Orrin Judd of the U.S. Judiciary of the Eastern District of New York. The process, under No. 708R40S blames him of the importation (conspiring to import) and distribution of cocaine to the United States between the 1st of January and the 23rd of June - 1970, in violation of Title 21 of the United States Code in its titles 173 and 174. It is affirmed that he was in the United States in connection with the committing of said crime. It is believed that he is in Santiago.

I CERTIFY that the present photocopy corresponds to the original that appears in FS 7 of the Docket 2173 of the Supreme Court, under the preventive detention warrant of Luis Serafin Torres Moreno and others, made by the United States Embassy, Santiago, December 24, 1973.

Rene Pica Urrutia  
Secretary of the Supreme Court of  
Justice

Chile

00518

Republic of Chile  
Ministry of Exterior  
Relations

Judicial  
Assessment

No. 15736

SANTIAGO,

In accordance with the matter disposed in Articles 644 and on of the Procedural Penal Code, I have the honor of transmitting to Your Honor, properly translated, the Verbal Notes Numbers 391, 392, 394 and 396 of the United States Embassy, under which the provisional detention is requested for the forthcoming extradition of the following persons who have been charged with the crime of transportation of narcotics.

JUAN CARLOS CANONICO, 34 yrs. old, Argentine  
ADOLFO SOBOSKI-TOBIAS, 49 yrs. old, of Polish origin,  
and presumably nationalized Uruguyan.  
EMILIO QUINTEROS, 47, Chilean  
OSCAR LETELIER, 46, Chilean  
RODOLFO TORRES, 30, Chilean  
MARIO SILVA LIEVA, 47, Chilean, also known as  
Mario Carrera  
LILIANA AMALIA TORRES MORENO, 41 - Chilean  
NICODEMUS OLATE ROMERO, 47, Chilean  
RAFAEL MURILLO, 49, Chilean  
FRANCISCO GUINART, 49, Chilean  
LUIS SERAFIN TORRES, 47, Chilean, also known as Coco Torres  
ENAIR PUCCI BERTOLLO, 39, Chilean  
YOLANDA SARMIENTO DIAZ, 44, Chilean  
VLADIMIR BANDERA, 42, Chilean  
RAUL SELENE VALENZUELA, 30, Chilean and  
RENE DUARTE, 43, presumably Chilean and also known as  
"el Chico".

All the aforementioned in conformity with the matter disposed in the Extradition Agreement between the Republic of Chile and the United States, subscribed in Santiago, April 17, 1900, the articles cited in the Penal Procedures Code, and the prescribed matter in Articles 24 of Law # 17.934 and 3 of the Law 17.155.

The United States Embassy expresses that in the future it will present the formal requests of extradition conjointly with the antecedents that are the foundation.

God keep Your Honor,  
Enrique Carvallo,  
Subsecretary

To the Pres. of the  
Exma. Supreme Court  
of Justice,  
Present

Santiago, October 16, 1973.

For receipt of the Antecedents, sent with Officer #15736 of this date of the Minister of Exterior Relations, in which the United States Embassy solicits the provisional detention for the future extradition of the persons in previous citation are mentioned.

In accordance with the matter disposed in Article 4 of the Agreement of Extradition between Chile and the United States, April 17, 1900, and in Articles 644 and following of the Penal Procedures Code decrees the arrest of the following persons:

- a) Juan Carlos Canonico
- b) Adolfo Soboski-Tobias
- c) Emilio Quinteros,
- d) Oscar Letelier
- e) Rodolfo Torres
- f) Mario Silva Leiva
- g) Liliana Amalia Torres Moreno
- h) Nicodemus Olate Romero
- i) Rafael Muriello
- j) Francisco Guinart
- k) Luis Serafin Torres
- l) Enair Pucci Bertocci
- m) Yolanda Sarmiento Diaz
- n) Vladimir Bandera
- o) Raul Selene Valenzuela
- p) Rene Duarte

with search and breaking in if it is necessary, all in accordance with the matter disposed in article 174 of the Penal Procedures Code.

Officiate forthis effort at the Department of Int'l. Police, General Director of Carabineros y General Direction of Investigations.

Transcribe the present resolution to the Minister of Exterior Relations.

Enrique Urrutia Manzano,  
Pres. of the Court.

I CERTIFY that the present photocopy corresponds to the originals that appear in FS. 17 of the Dockets 2/73 under the preventative detention warrant of Luis Serafin Torres Moreno and others, made by the United States Embassy, Santiago, December 24, 1973.

Rene Pica Urrutia  
Sec. of the Supreme Court of Justice.

Santiago, October 31, 1973

To the Supreme Court

City

Luis Serafin Torres Moreno, 47 yrs. old, married, industrial, means, Chilean, without seal of identity, living in El Vergal, #2421.

Jesus Francisco Guinart Moral, 48, married, business- living in Ave. Succia, #1334.

Enair Pucci Bertollo Michal, 39, married, houseworker, means, Brazilian, without identity, living in El Vergal #2421, all detained at 2300 hours yesterday, in the local of Con-Con in the inside of San Luis Street #180, owned by Raul Jara Fleischman, by Captain Hector Callres Caceres, Hector Leon Campos, Lorenzo Cordenas Conrado and Sergio Torres Guzman, from the Drug and Narcotics Police Section, pass to United States disposition, to have an arrest order coming from that Illustrious Court, according to Off. # 03505, of date 16 of those in conjunction with the present part.

In the possession of those arrested, there was found currency that was confiscated in accordance with a copy of the cited act which we sent along.

Santiago

November 2, 1973

Maintain arrest in the Public Jail  
Luis Serafin Torres Moreno and Jesus Francisco Guinart  
Morales,

Notify them and give the order.  
Speak to Ministry of Foreign Relations  
communicating this resolution.

Santiago, December 4, 1973.

ORDER OF FREEDOM.

SEEN: (Vistos)

With the merit of the officers that came before the Ministry of Exterior Relations, and of the Embassy of United States of America, take this last one for desistance of the petition of Fs. 16 in which the posterior extradition was requested of the following persons: Vladimir Bandera Herrera, Juan Carlos Canonico, Francisco Guinart Moran, Oscar Letelier Buzeta, Nicodemes Olate Romero, Enair Pucci Bertollo, Emilio Quinteros Gonzales, Mario Silva Leiva y Luis Serafino Torres Moreno.

This order of freedom is given for said persons to the places of detentions in which they can be found, unless they are being held for other reasons, different from this extradition process.

I CERTIFY that the present photocopy corresponds to the original that appeared at Fs. 125 of the Dockets 2/73 of the Supreme Court under the preventive detention warrant made by the United States Embassy with respect to Luis Serafin Torres Moreno and others.  
Santiago, December 24, 1973.

Rene Pica Urrutia  
Secretary of the Supreme Court of Justice

JUDICIAL ASSESSMENT

No. 18116

Desistment United States Embassy  
Santiago

I have the honor of directing myself to Your Honor in order to tell you that today we received in this Ministry the Note #464 of 4 from the actual, from the United States Embassy in Santiago, in which is desisted the soliciting of provisional detention toward a series of persons, whose names appear in a copy of the referred Nota that accompanies this as an annex.

I take advantage of the opportunity to reiterate to Your Honor the highest securities and distinguished consideration.

Ismael Huerta Diaz.

Informal Translation

No. 464

The United States Embassy greets the Ministry of Exterior of the Republic of Chile, and has the honor of withdrawing the following provisional detention requests for the persons named:

1. Vladimir Bandera Herrera, requested by the Embassy in Note #394, October 5, 1973, and to whom refers the Embassy Note #434 of October 31, 1973, and Ministry Notes No. 16182, October 24, 1973, and No. 16199 of October 25, 1973.

2. Juan Carlos Canonico, requested by the Embassy in its note No. 391 of October 5, 1973 and to whom is referred to in the Ministry Note No. 16199 of October 25, 1973.

3. Francisco Guinart Moran, identified also as Francisco Guinard Moran and as Jesus Francisco Guinart Morales, requested by the embassy in its Note #394 of October 5, 1973, and to whom refer the Note of the Embassy #434, of October 31, 1973, and the Ministry Notes #16199 of October 25, 1973, and the Ministry Notes No. 16199 of October 25, 1973, and No. 16771 of November 6, 1973.

4. Oscar Letelier Buzeta, requested by the Embassy in Note #392 of October 5, 1973, and to whom refers the Note #434 of October 31, 1973, and the Ministry Note #16199 of October 25, 1973.

5. Nicodemus Olate Romero, requested by the Embassy in Note #394 of October 5, 1973 and to whom refer the Ministry Notes #16199 of October 25, 1973 y No. 16836 of Nov. 7, 1973.

6. Enoir Pucci Bertollo also known as Nair Bertollo Niloeh, requested by the Embassy in its Note #394 of October 5, 1973, and to whom refers the Ministry Notes No. 16199 of October 25, 1973 and No. 16771 of November 6, 1973.

7. Emilio Quinteros Gonzales, requested by the Embassy in Note #392, of October 5, 1973 and to whom refer Embassy Note #434 of October 31, 1973 and the Ministry Note # 16199 of October 25, 1973.

8. Mario Silva Leiva, requested by the Embassy in Note #394 on October 5, 1973, and to whom refers the ministry note # 16199 of October 25, 1973.

9. Luis Serafin Torres Moreno, requested by the Embassy in Note #394 of October 5, 1973, and to whom refer the Embassy Note # 434 of October 31, 1973, and Ministry Notes # 16199 of October 25, 1973 and #16771 of November 6, 1973.

The Embassy takes advantage of the present occasion to once again give to the Ministry of Foreign Relations the security of the highest and most distinguished consideration.

United States Embassy  
Santiago, December 4, 1973

1350

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK ONLY COPY AVAILABLE  
-----X

UNITED STATES OF AMERICA, :

-v- :

AFFIDAVIT

FRANCISCO GUILART, :

73 Cr. 1094

Defendant. :

-----X  
STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK)

CHARLES W. CECIL, JR., being duly sworn, deposes  
and says:

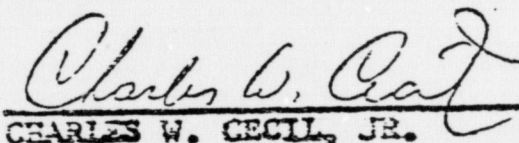
1. I am a Special Agent for the Drug Enforcement Administration, United States Department of Justice and have been so employed since June 29, 1969. Since August 1972, I have been assigned to the Santiago, Chile District Office of the Drug Enforcement Administration. Previously I served five months at the Buenos Aires Argentina office of the Drug Enforcement Administration, four months at the Panama office of the Drug Enforcement Administration, and two years, two months in Washington, D. C. I am familiar with the matter of Francisco Guilart, because of my presence in Santiago, Chile for the last two years, two months.

2. Upon information and belief the circumstances of Guilart's arrest in Chile, expulsion from Chile and transfer to the United States are the following:

3. On or about September 22, 1973, the Overseas Operations Section of the Drug Enforcement Administration, Washington, D. C. cabled the Santiago District office of the Drug Enforcement Administration that the United States Attorneys in the Eastern and Southern Districts of New York were prepared to prosecute for narcotics violations in New York a number of Chilean defendants including Francisco Guinart. On or about October 5, 1973, a provisional arrest request was submitted to the Chilean government for a number of defendants, including Francisco Guinart. On October 31, 1973, Francisco Guinart was arrested by Chilean authorities in Chile. On December 3, 1973, orders of expulsion from Chile for Francisco Guinart and eight other defendants were signed by the Chilean authorities. (A copy of their order of expulsion and a translation thereof is attached hereto as Exhibit A.)

4. On December 4, 1973 at 11:30 p.m., the Chilean Civil Police under the direction of Inspector Javier Vasquez transferred Guinart, and eight other defendants, to Puduhuel International Airport in Santiago, Chile. Special Agent George Frangullis Special Agent-in-Charge, the Santiago District Office of the Drug Enforcement Administration was present when the defendants were transferred to the airport. I was not present at that time.

5. At 2 a.m. on December 5, 1973, Special Agent Franquillia and six Chilean police officials escorted the nine fugitives aboard the LAN Chile Flight # 74, non-stop from Santiago to New York. Their flight arrived in New York at approximately 10:15 a.m. on December 5, 1973, and the nine prisoners were immediately turned over to agents of Region 2 (New York) Drug Enforcement Administration to be transported to Federal Court for arraignment.



CHARLES W. CECIL, JR.

Special Agent

Drug Enforcement Administration

Sworn to before me this

day of October, 1974.

REPÚBLICA DE CHILE  
MINISTERIO DEL INTERIOR  
ESTADO. INTERIOR. -

EXPULSIÓN DEL PAÍS A PERSONAS QUE  
TENGAN  
EVIDENCIA:-----

7/133.  
=====

DECRETO Nº 1720.-/

SANTIAGO, 12 de Diciembre de 1973.

La Junta de Gobierno de la República de Chile, decretó hoy lo que sigue :

TENIENDO PRESENTE :

Que, numerosas personas, tanto chilenas como extranjeras, se dedican en Chile al tráfico de estupefacientes, siendo éstas reconocidas internacionalmente por el referido delito ;

Que, dichas personas, por sus actuaciones atentatorias a la seguridad del Estado, el orden interno y la normalidad de las actividades nacionales, no merecen continuar residiendo en nuestra nación ;

Que, la Dirección General de Investigaciones por oficio confidencial Nº 362, de fecha 9 del mes en curso y la Dirección General de Carabineros de Chile por oficio reservado Nº 154, de 22 del mismo mes, proporcionan diversos antecedentes de algunas personas que se dedican al mencionado tráfico de drogas, por lo que solicitan su expulsión del país, y

De conformidad con lo dispuesto en el artículo 22 del Decreto Ley Nº 81, de 1973,

#### DECRETO :

La Dirección General de Investigaciones procederá a expulsar del territorio nacional, sin más trámite, a las siguientes personas : Juan Carlos GUERRERO GARCÍA, argentino; Emilio Ascencio GUERRERO GARCÍA, Oscar Humberto LOPEZ DUEÑA, Carlos Mario SILVA LEIVA, Nicodemo ELIAS POLO, Jesús Francisco GUINART MONTE, Luis Serafín TORRES MORENO, Ennio PUCCI BERTOLLO y Vladimir Lenin BARRERA HERNANDEZ, chilenos.

Tómese razón y comuníquese.

POR ORDEN DE LA JUNTA DE GOBIERNO,

OSCAR DOMÍNGUEZ DEL CAMINO, General de División, Ministro del Interior, FRANCISCO CARVALLO FAYO, Vicealmirante, Ministro de Defensa Nacional.

nocimiento.

Lo que transcribo a Ud. para su co

saluda atentamente a Ud.

Partes  
Extranjería  
Inmigración  
Investigaciones

SECRETARÍA DEL INTERIOR  
PARTES

10 DIC. 1973

ENRIQUE MONTERO MARR  
Subsecretario del Interior

Conforma con el Original

REPUBLIC OF CHILE  
PROVINCE AND CITY OF SANTIAGO  
EMBASSY OF THE UNITED STATES OF AMERICA

SS:

I, F. D. PERRY, Vice Consul of the  
United States of America at Santiago, Chile, duly  
commissioned and qualified, do hereby certify that  
on this 5th day of July, 1974 before me  
personally appeared Enrique Montero Diaz, Undersecretary  
of Interior of the Republic of Chile, ,

to me personally known, and known to me to be the  
individual described in, whose name subscribed  
to, and who executed the annexed instrument, and  
being informed by me of the contents of said  
instrument duly acknowledged to me that  
executed the same freely and voluntarily for the uses  
and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set  
hand and affixed the official seal of this Embassy  
Santiago, Chile, this 5th day of July, 1974.

F. D. PERRY  
Vice Consul of the United  
States of America

ONLY COPY AVAILABLE

REPUBLIC OF CHILE  
MINISTRY OF THE INTERIOR  
DEPT. OF ALIENS

hsr.  
T/PGB

EXPELLING FROM THE COUNTRY  
THE PERSONS INDICATED BELOW

DECREE # 1720.

SANTIAGO, 1st December 1973.

the Government Junta of

the Republic of Chile, decreed today as follows:

BEARING IN MIND THE FACT:

that many people, Chilean citizens

as well as aliens, are engaged in the traffic of narcotics

in Chile, and they are internationally known for such crime;

that those people, because of their

activities which threaten National security, internal order

and the normality of national activities, do not deserve to

continue residing in our nation;

that the General Bureau of Investigations in their confidential bulletin # 362, dated on the 9th of this month, and the General Bureau of "Carabineros" of Chile in their reserved bulletin # 154, dated the 22nd of the same month, supply background data on some people who are involved in the aforementioned traffic of narcotics, for which reason they request their expulsion from the country, and

In accordance with what is established in article 2 of Decree-Law # 81 of 1973,

I DECREE:

the General Bureau of Investigation will proceed to expell the following people from the national territory, without further delay: Juan Carlos CANONICO CAJICO, Argentine citizen, Emilio Ascencio QUINTEROS GONZALEZ, Officer Humberto LETELIER BUZETA, Carlos Mario SILVA LEIVA, Nicodemus CLATE ROMERO, Jesus Francisco GUINART MORAL, Luis Serafin TORRES MORENO, Enair PUCCI BERTOCCO and Vladimir Lenin FERRERA HERRERA,

Chilean citizens.

Let this be known and divi .d.

BY ORDER OF THE GOVERNMENT .NTA.

OSCAR BONILLA BRADANOVIC, ision General,

Ministry of the Interior, PATRICIO CARVAJAL PRADC ice-Admiral,

Ministry of National Defense.

I transcribe this for your information.

Very truly yours,

(signed)  
ENRIQUE MONTEZO MARX  
Under-secretary of the Interior

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

-vs.-

NOTICE OF APPEAL

FRANCISCO GUINART,

Defendant.

74 CR 1066  
75 CR 98

-----X  
S I R S :

Notice is hereby given that FRANCISCO GUINART, the defendant above named, hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment of Conviction entered in this action against the defendant on the 28th day of February, 1975, by Judge Lee Gagliardi.

DATED: New York, New York  
March 6, 1975

MC GUIRE & LAWLER, ESQS.

BY: Robert J. McGuire

A Member of the Firm

Attorneys for Defendant-Appella  
FRANCISCO GUINART  
Office & P. O. Address  
630 Fifth Avenue  
New York, New York 10020  
212-765-6990

TO:

Clerk,  
United States District Court  
Southern District of New York  
Foley Square  
New York, New York 10007

Office of the United States Attorney  
Southern District of New York  
Foley Square  
New York, New York 10007

# AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF NEW YORK )

BENJAMIN BRAFMAN, being duly sworn, deposes  
and says:

That deponent is not a party to this action,  
is over 18 years of age and resides at Queens County.

That on the 28th day of July, 1975, at One St. Andrew's Plaza, New York, New York, 10007, deponent served one (1) copy of Appellant's Appendix and two (2) copies of Appellant's Brief upon the United States Attorney's Office for the Southern District of New York, the attorneys for the Appellee in this matter by delivering a true copy thereof to \_\_\_\_\_ a person duly authorized to accept said service, personally. Deponent knew the person so served was authorized to accept such service on behalf of the Appellee herein.

BENJAMIN BRAFMAN

SWORN TO BEFORE ME THIS  
28 day of July, 1975

**JEANNE M. HENIGIN**  
Notary Public, State of New York  
No. 41-6852575  
Qualified in Queens County  
Commission Expires March 30, 19

